

DEVELOPMENT CONDITIONS

SE 2009-LE-016

March 31, 2010

If it is the intent of the Board of Supervisors to approve SE 2009-LE-016 located at 7400 Highland Street [Tax Map 80-1 ((5)) (52) 1] to permit the construction of a telecommunication facility and associated equipment pursuant to Sect. 3-304 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Plat entitled "T-Mobile Northeast LLC" prepared by Compass Technology Services, consisting of 8 sheets dated October 23, 2008, as revised through February 22, 2010, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. The project shall conform to National Electric and Safety Code Standards and the regulations of the Federal Communications Commission with respect to electromagnetic radiation.
6. The flagpole monopole shall be in substantial conformance with the elevation shown on the SE Plat. The maximum height of the monopole shall not exceed 130 feet, inclusive of all antennas and other appurtenances, except for lightning rods. The monopole shall be painted white with a gold finial.

7. The size, location and configuration of the antennas shall be in substantial conformance with the elevation depicted on the SE Plat. Additional antennas may be installed provided that they are enclosed within the flagpole monopole. No antennas shall be attached to the exterior of the flagpole monopole. Minor modifications to the antennas may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
8. The equipment compound area may include equipment shelters, cabinets, electrical panels, telephone panels, and other improvements necessary and/or required for the operation of the telecommunications facility. Equipment shelters and cabinets shall have a maximum height of 10 feet and shall be located within a 1,600 square feet telecommunications compound area as shown on the SE Plat.
9. The equipment compound of the telecommunications facility shall be enclosed by an 8-foot high board-on-board fence.
10. The flagpole monopole shall not be lighted or illuminated unless required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) or Fairfax County. A steady marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Fairfax County Police Department that the marker light is not necessary for the flight safety of police and emergency helicopters.
11. There shall be no outdoor storage of materials, equipment or vehicles within the wireless compound for the telecommunication facility.
12. Engineering and structural data shall be submitted to DPWES and the Department of Planning and Zoning (DPZ) affirming that any modifications to the flagpole monopole conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code and in substantial conformance with the SE Plat.
13. Any component(s) of the telecommunication facility shall be removed within 120 days after such components are no longer in use.
14. A landscape plan shall be submitted concurrent with site plan review for the review and approval of UFM. This plan shall provide for the number and sizes of trees consistent with that shown on the SE Plat.
15. The limits of clearing and grading, as depicted on the SE Plat shall be strictly observed. Tree save areas around the tennis courts and along Atteendee Road to the west of the proposed monopole shall be

designated on the initial and all subsequent site plan submissions, subject to UFMD review and approval.

16. All trees proposed for preservation shall be protected by tree protection fence. Despite that which is shown on the SE Plat, tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.
17. Unless waived or modified by DPWES, SWM/BMPs shall be provided on site in accordance with Public Facilities Manual (PFM) requirements.
18. All signage shall meet the requirements of Article 12 of the Zoning Ordinance. The flag shall be no more than four (4) feet in height and six (6) feet in width.
19. An automatic halyard shall be installed to assure the flag can be flown in the morning and lowered every evening. No lighting of the flag is permitted, and the flag shall not be flown between dusk and dawn.
20. The flag shall be provided and maintained by T-Mobile.
21. All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunications use. The site shall be restored as closely as possible to its original condition.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.